

FILED IN OPEN  
COURT. 12/22/05 KJK.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Act. No. 05- 141M-MPT

ANDRES ABARCA-SOLIS,

Defendant.

**MOTION FOR DETENTION HEARING**

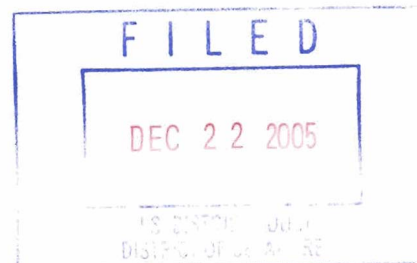
**NOW COMES** the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because case involves (**check all that apply**):

- ☐ Crime of violence (18 U.S.C. § 3156)
- ☐ Maximum sentence life imprisonment or death
- ☐ 10+ year drug offense
- ☐ Felony, with two prior convictions in above categories
- ☒ Serious risk defendant will flee
- ☐ Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release which will reasonably assure (**check one or both**):

- ☒ Defendant's appearance as required
- ☐ Safety of any other person and the community



3. **Rebuttable Presumption.** The United States WILL NOT invoke the rebuttable presumption against defendant under § 3142(e). (If yes) The presumption applies because (**check one or both**):

\_\_\_ Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. § 924(c)

\_\_\_ Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the court conduct the detention hearing,

\_\_\_ At first appearance

X After continuance of 3 days (not more than 3).

5. **Temporary Detention.** The United States request the temporary detention of the defendant for a period of \_\_\_\_\_ days (not more than 10) so that the appropriate officials can be notified since (**check 1 or 2, and 3**):

1. At the time the offense was committed the defendant was:

\_\_\_ (a) on release pending trial for a felony;

\_\_\_ (b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;

\_\_\_ (c) on probation or parole for an offense.

X 2. The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.

\_\_\_ 3. The defendant may flee or pose a danger to any other person or the community.

6. Other Matters.

DATED this 22nd day of December, 2005.

COLM F. CONNOLLY  
United States Attorney

BY:

  
Leonard P. Stark  
Assistant United States Attorney

2005-12-22